



## AGENDA

### HIGHLAND CITY PLANNING COMMISSION Tuesday, January 26, 2016, 7:00 p.m.

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah

#### **CALL TO ORDER:** Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Chris Kemp
- Pledge of Allegiance – Commissioner Steve Nielsen

#### **APPEARANCES:**

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to three (3) minutes.

#### **WITHDRAWALS AND CONTINUANCES:**

1. **PP-15-04:** A request by Rob Gulbrandsen for preliminary plat approval of a 61 lot single-family residential subdivision. The property is approximately 36.61 acres in size and is located at the northeast corner of Highland Boulevard and 11800 North. *Administrative. **This item will be continued to the February 23<sup>rd</sup>, 2016 Planning Commission meeting.***

#### **PUBLIC HEARING ITEMS:**

2. **TA-15-04:** Highland City Council is requesting to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits. *Legislative.*
3. **TA-16-02:** Highland City Council is requesting to amend Article 4.7 Town Center Overlay of the Highland City Development Code to remove residential uses. *Legislative.*

#### **OTHER BUSINESS:**

4. Approval of Planning Commission meeting calendar for 2016.

#### **APPROVAL OF MINUTES:**

5. Approval of November 24, 2015 meeting minutes.

**PLANNING STAFF REPORT:**

**COMMISSION COMMENTS AND SUGGESTIONS:**

**ADJOURNMENT:**

NEXT MEETING: *February 23, 2016* at 7:00 pm City Council Chambers

*Legislative: An action of a legislative body to adopt laws or policies.*

*Administrative: An action reviewing an application for compliance with adopted laws and policies.*

**FOR SPECIAL ACCOMMODATIONS**

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

**CERTIFICATE OF POSTING**

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 21st day of January 2016. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 21<sup>st</sup> day of January, 2016 the above agenda notice was posted on the Highland City website at [www.highlandcity.org](http://www.highlandcity.org).

JoAnn Scott, Planning Coordinator



# PLANNING COMMISSION REPORT

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**DATE:** January 26, 2016

**TO:** Highland City Planning Commission

**FROM:** Nathan Crane, AICP  
City Administrator/Community Development Director

**SUBJECT:** TA-15-04 – A request by the Highland City Council to amend Article 4.7 Town Center Overlay of the Highland City Development Code to remove residential uses from the Town Center Flex Use District

## **BACKGROUND:**

The property is designated as Mixed Use on the General Plan Land Use Map. The property is zoned Flex Use within the Town Center Overlay District. The Town Center Overlay District was adopted in 1999.

The Town Center Overlay District originally allowed a defined number of residential units (342). All of those units have either been built or recently vested except for 14 units that still remain.

The City has studied this issue for the past six months. Staff has determined that the remaining 14 units would not result in a viable project and recommends any new projects be considered, if determined appropriate, through a zoning text amendment and a development agreement.

A development code amendment is a legislative process.

## **SUMMARY OF REQUEST:**

1. The Highland City Council is requesting to amend the Town Center Overlay District to eliminate the remaining potential residential units.

## **CITIZEN PARTICIPATION:**

Notice of the blank Planning Commission meeting was published in the Daily Herald on January 10, 2016. No comments have been received.

## **ANALYSIS:**

- The purpose of the Town Center Overlay District is to: provide a central area where commercial, retail, and residential can be blended in a walk able environment; provide higher density housing; provide commercial, civic, and retail opportunities; and to promote clarity, flexibility, and cooperation in long term planning; and working for the success and future of the Town Center.
- The purpose of the Flex District is to encourage a mixed use town center-like development.
- The flex district only has 14 remaining units available for development and it is staff's opinion that such units would not result in a viable project.

- There are only three remaining parcels in the Flex district – one owned by the City and the others by a private property owners.
- Any new projects can be considered, if determined appropriate, through a zoning text amendment and a development agreement.

#### **FINDINGS:**

The proposed ordinance amendment meets the following findings:

- The remaining 14 units in the zone should be eliminated.
- The Flex District of the Highland City Development Code needs to be amended.

#### **RECOMMENDATION:**

The Planning Commission should hold a public hearing with the understanding that this is a legislative action, and recommend approval of the text amendment:

1. Any significant development of residential units would require a text amendment.
2. There is no viable project potential with the remaining 14 units.

#### **RECOMMENDATION AND PROPOSED MOTION:**

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the text amendment as recommended by staff (or with amendments).

#### **ALTERNATE MOTION:**

I move that the Planning Commission recommend denial of the text amendment, for reasons determined in the hearing

#### **ATTACHMENTS:**

Attachment 1 – Table 3-47A

Attachment 2 – Town Center Overlay Zoning Map

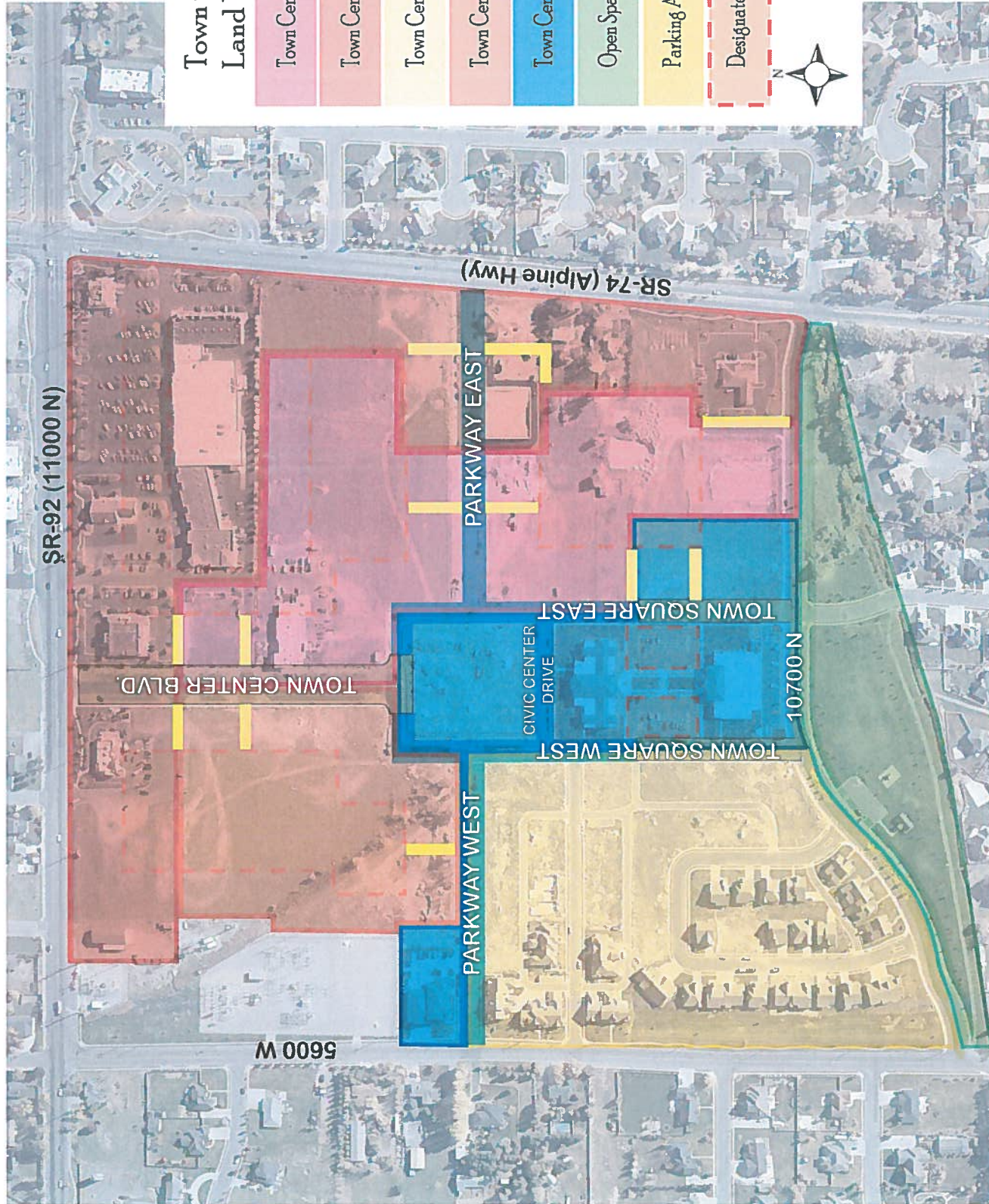
# HIGHLAND CITY DEVELOPMENT CODE

TABLE 3-47A	TOWN CENTER ZONE, BY DISTRICT			
	Commercial Retail	TC MU Residential	TC Flex Use	TC Civic
LAND USE	TOWN CENTER GROUND FLOOR USES			
1 Story Retail	P	C	C	P
2 Story Retail	P	P	P	P
Flex Use Retail	NP	P	P	NP
Convenience, gasoline or similar	P	NP	NP	NP
Food, bakery	P	P	P	NP
Food, doughnut shop, candy store	P	P	P	NP
Food, grocery store, organic foods	P	P	P	NP
Food, ice cream, yogurt parlor	P	P	P	NP
Food, nut or cheese store	P	P	P	NP
Food, food and beverage retail stores	P	P	P	NP
Food, meat markets	P	P	P	NP
Medical, doctor's office, dentist	*P	P	P	NP
Medical, hearing center and sales	*P	P	P	NP
Medical, optometrist, eye products	*P	P	P	NP
Medical, physical therapy, pharmacy	*P	P	P	NP
Medical, psychologist, psychiatrist	*P	P	P	NP
Office, architect, engineers, surveyors	*P	P	P	NP
Office, attorney	*P	P	P	NP
Office, certified public accountants	*P	P	P	NP
Office, computer software engineer/developer	*P	P	P	NP
Office, certified public accountants	*P	P	P	NP
Office, Insurance (not claims adjusters)	*P	P	P	NP
Office, real estate, mortgage, title, or similar	*P	P	P	NP
Public/private cultural arts center	N	P	P	P
Residential, live work attached	NP	*C	<del>*C</del> NP	NP
Residential, mixed use attached	NP	*C	<del>*C</del> NP	NP
Residential, multi-family attached	NP	*C	<del>*C</del> NP	NP
Residential, senior housing (age restricted)	NP	P	P	NP
Residential, senior independent living	NP	P	P	NP
Residential, senior continuing care retirement	NP	P	P	NP
Restaurant, full service, catering, delicatessen	P	P	P	NP
Restaurant, drive-thru	P	C	C	NP
Retail, art and craft galleries and studios for the teaching of arts and crafts	P	P	P	NP
Retail, auto parts (new, re-manufactured & accessories)	P	P	P	NP
Retail, Auto, ATV, motorcycle sales	P	*P	*P	NP
Retail, book store	P	P	P	NP
Retail, clothes, shoes, accessories	P	P	P	NP
Retail, computers, software sales/repair	P	P	P	NP
Retail, electronics sales/rentals of DVD's, CD's, games and videos	P	P	P	NP
Retail, florist, indoor nursery or plant sales	P	P	P	NP
Retail, hobby, craft supplies and stores	P	P	P	NP
Retail, home furnishings, appliances	P	P	P	NP
Retail, home improvement, hardware	P	P	P	NP
Retail, jewelry, watches, or similar	P	P	P	NP
Retail, office supplies and furnishings	P	P	P	NP
P = Permitted				
C = Conditional Use Required				
* = Special Conditions Apply				
NP = Not Permitted, May be Considered				
*NP = Not Permitted				

# HIGHLAND CITY DEVELOPMENT CODE

TABLE 3-47A	TOWN CENTER ZONE, BY DISTRICT			
	Commercial Retail	TC MU Residential	TC Flex Use	TC Civic
LAND USE				
TOWN CENTER GROUND FLOOR USES CONTINUED				
Retail, pet products, grooming and care	P	P	P	NP
Retail, sporting goods and recreation	P	P	P	NP
Retail, variety, stamp, coin and collectibles	P	P	P	NP
Retail, wireless phone sales and similar	P	P	P	NP
Service, automobile Service, repair	P	*C	*C	NP
Service, barber shop, beauty salon	P	P	P	NP
Service, copy center	P	P	P	NP
Service, sports & fitness center	*P	*P	*P	NP
Service, dry cleaning, Laundry	P	P	P	NP
Service, financial institutions	P	P	P	NP
Service, hotel (min 2 stories)	C	C	C	NP
Service, movie rentals, sales, cinema	P	P	P	NP
Service, nail salon, pedicure, day spa	*C	*C	*C	NP
Service, therapeutic massage	*C	*C	*C	NP
Service, travel agency sales	P	P	P	NP
Temporary outdoor sales events	*P	*P	*P	NP
Temporary outdoor farmer's market	C	C	C	C
TOWN CENTER UPPER FLOOR USES				
Office, architect, engineers, surveyors	*P	P	P	NP
Office, attorney, law firm	*P	P	P	NP
Office, certified public accountants	*P	P	P	NP
Office, computer software engineer/developer	*P	P	P	NP
Office, certified public accountants	*P	P	P	NP
Office, Insurance (not claims adjusters)	*P	P	P	NP
Office, real estate, mortgage, title, or similar	*P	P	P	NP
Medical, doctor's office, physical therapy	*P	P	P	NP
Medical, dentist office, optometrist, audiologist	*P	P	P	NP
Medical, psychologist, psychiatrist	*P	P	P	NP
Residential, mixed use attached	NP	*C	<del>*C</del> NP	NP
Residential, live work attached	NP	*C	<del>*C</del> NP	NP
Residential, exclusively attached residential	NP	*C	<del>*C</del> NP	NP
Retail, all uses permitted for "Ground Floor"	P	P	P	NP
Service, all uses permitted for "Ground Floor"	P	P	P	NP
TOWN CENTER CIVIC BUILDINGS				
Ancillary structures for municipal/safety bldgs	P	P	P	P
Ancillary structures for parks and open space	P	P	P	P
Civic/municipal buildings	P	P	P	P
Civic utility structures	*C	*C	*C	*C
Public open space	P	P	P	P
Public parks and public trails	P	P	P	P
Public safety buildings and uses	P	P	P	P
Public outdoor amphitheater	P	P	P	P
P = Permitted				
C = Conditional Use Required				
* = Special Conditions Apply				
NP = Not Permitted, May be Considered				
*NP = Not Permitted				





## Town Center Land Use Map

Town Center Flex-Use District

Town Center Commercial Retail District

Town Center Residential District

Town Center Mixed Use Residential District

Town Center Civic District

Open Space District

Parking Access Points

Designated Parking (Generally)



May, 2010







# PLANNING COMMISSION REPORT

---

**DATE:** January 26, 2016

**TO:** Highland City Planning Commission

**FROM:** Nathan Crane, AICP  
City Administrator/Community Development Director

**SUBJECT:** TA-16-02 – A request by the Highland City Council to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits.

## **BACKGROUND:**

In 2005, the State Law as it pertains to conditional changed due to several court cases. The Law was revised to limit the discretion that communities have to place conditions on conditional uses. The language that conditions could only be placed on a use to “mitigate the reasonably anticipated detrimental effects” was only a part of the actual State Law. The Law goes further to require that “standards” be created for the conditional uses to be governed by, as per the following:

Section 10-9a-507:

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require **compliance with standards set forth in an applicable ordinance**.

(2) (a) A conditional use **SHALL be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects** of the proposed use in accordance with **applicable standards**.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve **compliance with applicable standards**, the conditional use **may** be denied.

Non-compliance with State Law creates a potential liability for the City. Therefore this update that includes standards is suggested. In addition, a review of the permitted uses and conditional uses in each zoning district is suggested through a subsequent process.

A development code amendment is a legislative process.

## **SUMMARY OF REQUEST:**

1. The Highland City Council is requesting to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits. The amendment is as follows:

Section 4-015 General Requirements

- 1) Review Standards

All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. All conditional uses shall meet the following standards:

- a. The proposed conditional use shall be consistent with the Zoning Ordinance, Federal and State Law, as applicable to the site where the conditional use will be located.
- b. The Land Use Authority may address any reasonably anticipated detrimental effects by the use on existing systems and neighborhoods, including the prevention of;
  1. Decreased street service levels and/or traffic patterns that may require the need for street modifications such as dedicated turn lanes, traffic control devices, street widening, curb, gutter and sidewalks, trip generation reductions, and/or vehicle mixes
  2. Increased service demands for utility service delivery and system capacities
  3. Negative impacts on connectivity and safety for pedestrians and bicyclists
  4. Potential detrimental effects by the use due to its nature; including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within a neighborhood, hours of operation not normally found in the neighborhood, reductions to the potential to create an attractive nuisance, solid waste disposal,
  5. Negative environmental impacts that increase the risk of contamination or other impacts to adjacent properties and people including: impacts on the aquifer, well heads, wetlands, slope retention, storm water, and flood potential
  6. Incompatible designs in terms of use, scale, intensity, mass, character, construction, solar access, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
  7. Site designs that negatively impact emergency vehicle access
  8. Manmade environmental impacts such as dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation from impacting the neighborhood.
  9. Site plan designs that are detrimental to the neighborhood such as the location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, outdoor storage, as well as compliance with off-street parking standards
  10. Conflicts between uses, including signs, lighting, landscaping/open space, and fencing
- 2) In evaluating a conditional use application, the Land Use Authority, shall determine if the application meets the above standards or if, due to its' reasonably anticipated detrimental effects, additional mitigating conditions are necessary to reduce impacts. Any such conditions imposed shall be related to the above standards. More specific standards and requirements for conditional uses may be found in each land use zoning district chapter, including additional specific standards for certain conditional uses.

### **CITIZEN PARTICIPATION:**

Notice of the blank Planning Commission meeting was published in the Daily Herald on January 10, 2016. No comments have been received.

### **ANALYSIS:**

- The amendment is needed to properly evaluate conditional use permits.

### **FINDINGS:**

The proposed ordinance amendment meets the following findings:

- It is in conformance with the General Plan.
- The proposed text amendment complies with the State Law.
- Updating of the Conditional Use Chapter of the Development Code is needed to occur pursuant to State Law.

### **RECCOMENDATION AND PROPOSED MOTION:**

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the text amendment as recommended by staff (or with amendments).

### **ALTERNATE MOTION:**

I move that the Planning Commission recommend denial of the text amendment, for reasons determined in the hearing.





HIGHLAND CITY PLANNING COMMISSION MEETINGS  
SCHEDULE FOR 2016

The Highland City Planning Commission at their regularly scheduled meeting on January 26, 2016, adopted the meeting schedule for the year 2016.

The regular session begins at 7:00 p.m. Work sessions are scheduled as needed. Meetings will be held at the Highland City Council Chambers, 5400 West Civic Center Drive, Suite 1, Highland, Utah.

The 2015 Planning Commission Regular Meeting Schedule is as follows:

January 26  
February 23  
March 22  
April 26  
May 24  
June 28  
July 12  
August 23  
September 27  
October 25  
November 29  
December 13

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS.

If you need a special accommodation to participate in the City  
Council Meetings, please call the City Recorder's Office at 801-772-4505

TO BE PUBLISHED IN THE *DAILY HERALD*



# DRAFT

## Highland City Planning Commission November 24, 2015

The special meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:00 PM on November 24, 2015. An invocation was offered by Commissioner Brammer and those assembled were led in the Pledge of Allegiance by Chairman Kemp.

**PRESENT:** Commissioner: Christopher Kemp  
Commissioner: Brady Brammer  
Commissioner: Sherry Carruth  
Commissioner: Tim Heyrend  
Commissioner: Steve Rock  
Commissioner (Alternate): Steve Nielsen

**EXCUSED:** Commissioner: Scott Temby  
Commissioner: Abe Day

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Planning Coordinator: Kelsey Bradshaw  
Planning Commission Secretary: Heather White

**OTHERS:**

### APPROVAL OF MINUTES

The Planning Commission reviewed the minutes from the August 25, 2015 meeting. Chairman Kemp asked for changes. Hearing none, he called for a motion.

**MOTION:** Commissioner Heyrend moved to approve the minutes from the August 25, 2015 Planning Commission meeting as written. Commissioner Carruth seconded the motion. All present were in favor. The motion carried.

### OTHER BUSINESS

#### *Report regarding updates to the Town Center Overlay District*

Mr. Crane explained that staff were directed to eliminate any future residential within the Town Center Overlay District unless it was approved through a development agreement/amendment to the Code. This direction came from a previously held combined work session with members of the Council and Planning Commission. The proposed amendment would be presented to the

# DRAFT

1 Planning Commission in January. Mr. Crane mentioned that the city met with the major property  
2 owner today to discuss the city's plan for the area.

## 3 4 **PUBLIC APPEARANCES**

5  
6 Chair Kemp asked for public comment. None was given.  
7

## 8 9 **WITHDRAWALS AND CONTINUANCES**

### 10 11 **1. PP-15-04:**

12 *A request by Rob Gulbrandsen for preliminary plat approval of a 61 lot single-family*  
13 *residential subdivision. The property is approximately 36.61 acres in size and is located*  
14 *at the northeast corner of Highland Boulevard and 11800 North. This item will be*  
15 *continued to the December 8, 2015 Planning Commission meeting.*  
16

17 Mr. Crane explained that Item PP-15-04 would not be discussed. It was continued to the  
18 December 8, 2015 meeting.  
19

## 20 21 **PUBLIC HEARING ITEMS**

### 22 23 **2. PP-15-02:**

24 *A request by Matt Robinson with Handcrafted Homes for preliminary plat approval for*  
25 *an 86 unit attached single-family subdivision. The property is approximately 7.76 acres*  
26 *in size and is located at the northeast and southeast corners of Town Square East and*  
27 *Parkway East.*  
28

29 Mr. Crane mentioned that the Council approved the Conditional Use Permit, Site Plan, and  
30 Architectural Plan on September 15, 2015 subject to 22 stipulations. He said the Commissioners  
31 received an analysis of the stipulations as part of the staff report. Mr. Crane explained there were  
32 two items that had not fully met the stipulations - 1) number of on-street and off-street parking  
33 spaces and 2) landscaping and how much was provided.  
34

35 Chairman Kemp asked about the applicant's response regarding the requested information. He  
36 asked if Mr. Crane was sure that the applicant understood the information they still needed to  
37 provide. Mr. Crane said that he had not received any response from the applicant and that he was  
38 sure they understood what they needed to provide.  
39

40 The Planning Commission discussed the fact that the applicant still needed to provide the  
41 requested information.  
42

43 Chairman Kemp opened the public hearing by consent at 7:07 PM.  
44



# DRAFT

1 Lillie Kohler voiced concern regarding traffic. She thought the proposed 87 homes on 8 acres  
2 was a catastrophe in the making. She voiced concern about cars on the roads and safety for the  
3 people living in the area. She hoped the Commissioners considered the safety and health of the  
4 people in the area. Ms. Kohler thought the area needed to be developed, but was not sure it  
5 should be the proposed type of development.

6  
7 Stan Mead thought that if the developer was not going to comply with the conditional use  
8 approved by the City Council then denial of the application would be appropriate.

9  
10 Chairman Kemp asked for additional comments. Hearing none, he closed the public hearing by  
11 consent at 7:10 PM. He asked for further discussion.

12  
13 Commissioner Brammer said it was perplexing and disconcerting that the developer was not in  
14 attendance after the fight and effort they went through to obtain approval of the development. He  
15 talked about the developer's behavior at previous meetings and thought it showed the contentious  
16 nature they had taken towards with city. He was concerned with how the developer might  
17 interact with the city, particularly around City Hall, in the heart of the city.

18  
19 Chairman Kemp asked for additional comment. Hearing none, he called for a motion.

20  
21 **MOTION:** Commissioner Brammer moved to recommend denial of the application to the City  
22 Council on the basis of the same concerns as set forth in the July 2015 minutes, as well as the  
23 applicant's failure to appear, and most importantly, applicant's failure to comply with the  
24 landscaping requirements set forth in the Development Code, as well as applicant's failure to  
25 comply with Stipulation #21 of the Preliminary approval by the City Council. Commissioner  
26 Rock seconded the motion. All present were in favor. The motion carried.

## 27 28 29 **PLANNING STAFF REPORT**

30  
31 Commissioner Neilsen asked if the application for the church building was approved. Mr. Crane  
32 said the application was approved with no parking on the west side of the street.

## 33 34 35 **ADJOURNMENT**

36  
37 **MOTION:** Commissioner Rock moved to adjourn the meeting. Commissioner Brammer  
38 seconded the motion. All present were in favor. The motion carried.

39  
40 The meeting was adjourned at 7:13 PM.

